

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

TERESSA ABAFFE, )  
                          )  
PLAINTIFF, )  
                          )  
VS. ) CIVIL ACTION NO. 08-  
                          )  
                          ) JURY TRIAL DEMANDED  
                          )  
                          )  
NCO FINANCIAL SYSTEMS INC. ) UNLAWFUL DEBT COLLECTION  
DEFENDANT. ) PRACTICES

**COMPLAINT**

**I. INTRODUCTION**

1. Plaintiff Teressa Abaffe alleges that Defendant engaged in abusive, deceptive, and unfair acts in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (hereinafter "FDCPA"). Specifically, Defendant, by and through the actions of its employees/agents failed to provide required disclosures wherein they identified themselves as debt collectors, engaged in a pattern of behavior which included false and deceptive statements suggesting that legal action had been taken or was in the process of being taken when no action had been taken and which Defendant had no intention of taking, and made false and deceptive statements as a means to attempt to collect on a debt allegedly owed by Plaintiff.

**II. JURISDICTION AND VENUE**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), and 28 U.S.C. § 1337. Venue in this District is proper in that the Defendant transacted business here and the conduct complained of occurred here.

### **III. PARTIES**

3. Plaintiff is a natural person residing in the County of St. Louis, State of Missouri.

4. Defendant NCO Financial Systems Inc. (hereinafter referred to as "NCO") is a Pennsylvania Corporation, doing business in the State of Missouri. NCO's Registered Agent is The Corporation Company, 120 South Central Ave., Clayton, Missouri 63105.

5. Defendant is engaged in the collection of debts from consumers using the mail, facsimile transmission and telephone. Defendant regularly attempts to collect consumer debts it purchases after default and/or consumer debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

6. The acts of Defendant alleged hereinafter were performed by its employees acting within the scope of their actual or apparent authority.

### **IV. FACTUAL ALLEGATIONS**

7. All of the acts about which Plaintiff complains took place within the months of January 2008 through March of 2008, and involved voice messages left by Defendant's employees/collectors on Plaintiff's telephone message recording device at her residence concerning an alleged debt which she originally had with Bank of America. The messages have been preserved by Plaintiff on a cassette tape, and have been transcribed.

8. The first message included the following statements from NCO's employee: "This message is for Teressa Abaffe. This is Ms. McDowell. We left several messages and still haven't heard back from you regarding your decision. I am referring to identification number UW9564. The number here is (888)899-5883. Once again the number is (888)-899-5883."

9. The second message included the following statements from NCO's employee : "Teressa Abaffe. Teressa Abaffe. This is in regards to litigation being forwarded over to St. Louis County. I need to speak with you or your legal representation immediately. My number is (888) 899-5883. That's (888) 899-5883. Thank you."

**CAUSE OF ACTION**

**VIOLATIONS OF THE FDCPA**

10. Plaintiff incorporates herein by reference each and every prior allegation and fact as though fully restated and re-alleged.

11. Defendant's actions violated the FDCPA. The violations include, but are not limited to, the following:

- (a) Defendant violated 15 U.S.C. § 1692e(11) when its employees failed to identify themselves as a debt collectors;
- (b) Defendant violated 15 U.S.C. § 1692d(6) when its employees failed to provide meaningful disclosure of their identities and Defendant's identity. Defendant's employees failed to identify Defendant as his or her employer on 2 separate occasions and failed to disclose their status as debt collectors;
- (d) Defendant violated 15 U.S.C. § 1692e(5) when its employees made false and deceptive statements designed to create the belief or implication that legal action had either already been taken or that legal action was imminent when said legal action had not been taken and was not intended to be taken.
- (e) Defendant violated 15 U.S.C. § 1692e(10) when its employees made false representations and/or deceptive means in an attempt to collect a debt from the Plaintiff.
- (f) Defendant's actions violated 15 U.S.C. § 1692f as they constituted unfair and unconscionable means to collect the debt.

12. As a result of the above violations of the FDCPA, the Defendant is liable to the Plaintiff for statutory damages, and costs and attorney's fees.

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Statutory damages pursuant to 15 U.S.C. § 1692k;
- B. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k;
- C. For such other and further relief as may be just and proper.

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

/s/ Teressa Abaffe  
**Teressa Abaffe**

Respectfully submitted,

**THE SWANEY LAW FIRM**

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